



## MEETING OF THE CITY COUNCIL

# Agenda

Cheryl Cox, Mayor

Rudy Ramirez, Councilmember

John McCann, Councilmember

Pamela Bensoussan, Councilmember

Steve Castaneda, Councilmember

James D. Sandoval, City Manager

Bart Miesfeld, City Attorney

Donna Norris, City Clerk

May 26, 2009  
4:00 P.M.

Council Chambers  
City Hall  
276 Fourth Avenue

### CALL TO ORDER

**ROLL CALL:** Councilmembers: Bensoussan, Castaneda, McCann, Ramirez, and Mayor Cox

### PLEDGE OF ALLEGIANCE TO THE FLAG AND MOMENT OF SILENCE

### SPECIAL ORDERS OF THE DAY

- PRESENTATION OF A PROCLAMATION TO THE EASTLAKE HIGH SCHOOL CONCERT BAND, DIRECTED BY MR. CHARLES WOLF, BY MAYOR COX HONORING THEM FOR BEING SELECTED TO PERFORM AT CARNEGIE HALL IN NEW YORK CITY ON JUNE 16, 2009
- PRESENTATION OF A DONATION BY DALE PERING OF \$7,000 TO THE CHULA VISTA PUBLIC LIBRARY FOR THE HERITAGE MUSEUM
- PRESENTATION OF A PROCLAMATION TO SALLY COX, EXECUTIVE DIRECTOR, SAN DIEGO CRIME STOPPERS BY MAYOR COX PROCLAIMING TUESDAY, MAY 26, 2009 AS SAN DIEGO CRIME STOPPERS DAY IN CHULA VISTA
- RECOGNITION OF THE CHULA VISTA ROTARY CLUB'S DONATION TO THE CITY OF CHULA VISTA OF A CAMPHOR TREE (NAMED THE EISENHOWER TREE) AND A PLAQUE IN HONOR OF PRESIDENT DWIGHT D. EISENHOWER'S VISIT TO CHULA VISTA ON OCTOBER 21, 1960

## CONSENT CALENDAR

(Items 1-7)

*The Council will enact the Consent Calendar staff recommendations by one motion, without discussion, unless a Councilmember, a member of the public, or staff requests that an item be removed for discussion. If you wish to speak on one of these items, please fill out a "Request to Speak" form (available in the lobby) and submit it to the City Clerk prior to the meeting. Items pulled from the Consent Calendar will be discussed immediately following the Consent Calendar.*

1. APPROVAL OF MINUTES of the Special and Regular Meetings of January 13, 2009.

Staff recommendation: Council approve the minutes.

2. WRITTEN COMMUNICATIONS

Letter of resignation from Port Commissioner Michael Najera.

Staff recommendation: Council accept the resignation. (The vacancy was posted May 18, 2009, in accordance with the Maddy Act.)

3. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA RECITING THE FACT OF THE MUNICIPAL ELECTION HELD IN THIS CITY ON MAY 5, 2009, DECLARING THE RESULTS THEREOF, AND SUCH OTHER MATTERS AS ARE PROVIDED BY LAW

The San Diego Registrar of Voters has transmitted the certified results of the Municipal Election held on May 5, 2009. Elections Code Section 10262(b) requires the City Clerk, as the City elections official, to certify the results of the election to the City Council, and the Council to adopt a resolution reciting the fact of the election. Adoption of the resolution declares the results of the Municipal Election. (City Clerk)

Staff recommendation: Council adopt the resolution.

4. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA ADOPTING THE REVISED CAFETERIA BENEFITS PLAN FOR 2009

On February 4, 2009, President Barack Obama signed into law the Children's Health Insurance Program Reauthorization Act of 2009, which extends and expands the State Children's Health Insurance Program (SCHIP). This new law provides additional special enrollment rights to employees and their dependents covered in the City's group health plan. The Internal Revenue Code requires employers to include this coverage change in their Summary Plan Document (SPD). Adoption of the resolution fulfills this requirement. (Human Resources Director)

Staff recommendation: Council adopt the resolution.

5. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA APPROVING AN AGREEMENT BETWEEN THE CITY OF CHULA VISTA AND D-MAX ENGINEERING, INC. FOR NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) DRY WEATHER FIELD SCREENING AND ANALYTICAL MONITORING SERVICES AND GRANTING THE CITY MANAGER THE AUTHORITY TO APPROVE UP TO TWO ONE-YEAR EXTENSIONS TO SAID AGREEMENT

The City's NPDES permit from the California Regional Water Quality Control Board, San Diego Region, requires the City to annually conduct dry weather field screening, analytical monitoring (effluent sampling, chemical analysis, observation of physical conditions, and laboratory testing), trash monitoring, and Municipal Separate Storm Sewer System (MS4) Outfall monitoring at major outfalls during the dry weather season. Due to the expertise and specialized equipment necessary to perform these services, it is necessary to retain an outside consultant. Proposals were requested from qualified engineering and environmental consulting firms. (Public Works Director)

Staff recommendation: Council adopt the resolution.

6. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA APPROVING THE AGREEMENT WITH PUBLIC FINANCIAL MANAGEMENT, INC. TO PROVIDE FINANCIAL ADVISORY SERVICES

On January 20, 2009, the City Council approved a Fiscal Health Plan that provides for a long-term financial strategy. To this end, staff issued a Request for Proposal (RFP) for financial advisory services to assist in preparing this long-term financial strategy. As part of this financial strategy, it is anticipated that debt restructuring may be a recommended course of action. The financial advisory firm would assist the City in restructuring its debt in a way that would best meet the City's long-term financial goals. (Finance Director)

Staff recommendation: Council adopt the resolution.

7. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA APPROVING A DESIGN-BUILD AGREEMENT WITH YOUNG ELECTRIC SIGN COMPANY (YESCO) FOR THE DESIGN AND CONSTRUCTION OF THE CHULA VISTA AUTO PARK SIGN (CIP NO. RD248)

The City has selected a contractor to design and build a freeway sign for the Chula Vista Auto Park. Adoption of the resolution awards the contract to Young Electric Sign Company. (Public Works Director)

Staff recommendation: Council adopt the resolution.

## **ITEMS REMOVED FROM THE CONSENT CALENDAR**

## PUBLIC COMMENTS

*Persons speaking during Public Comments may address the Council on any subject matter within the Council's jurisdiction that is not listed as an item on the agenda. State law generally prohibits the Council from discussing or taking action on any issue not included on the agenda, but, if appropriate, the Council may schedule the topic for future discussion or refer the matter to staff. Comments are limited to three minutes.*

## PUBLIC HEARINGS

*The following item has been advertised as a public hearing as required by law. If you wish to speak on the item, please fill out a "Request to Speak" form (available in the lobby) and submit it to the City Clerk prior to the meeting.*

### 8. CONSIDERATION OF AN APPLICATION FOR THE REZONE (PCZ-08-01) OF THE PROPERTY LOCATED AT 1778 BROADWAY

The owner of the property located at 1778 Broadway, Latif Zoura (Owner/Applicant), filed applications on November 21, 2007 for construction of a 14,105 square-foot, one-story, industrial building and the associated site improvements for the establishment of a recycling center. The proposed project involves the development of a vacant parcel located at the northwest corner of Broadway and Faivre Street in the southwest area of Chula Vista within the Merged Chula Vista Redevelopment Project Area. (Deputy City Manager/Development Services Director)

Staff recommendation: Council adopt the following resolution, and place the following ordinance on first reading

- A. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA (1) ADOPTING MITIGATED NEGATIVE DECLARATION IS-08-006; (2) APPROVING CONDITIONAL USE PERMIT PCC-08-008; (3) AND APPROVING DESIGN REVIEW PERMIT DRC-08-14 TO ALLOW THE CONSTRUCTION OF A 14,105 SQUARE-FOOT, ONE-STORY, INDUSTRIAL BUILDING AND ASSOCIATED SITE IMPROVEMENTS FOR THE ESTABLISHMENT OF A RECYCLING CENTER AT 1778 BROADWAY
- B. ORDINANCE OF THE CITY OF CHULA VISTA AMENDING THE ZONING MAPS ESTABLISHED BY MUNICIPAL CODE SECTION 19.18.010 BY REZONING THE 0.88-ACRE PARCEL LOCATED AT 1778 BROADWAY FROM THE COMMERCIAL THOROUGHFARE WITH PRECISE PLAN (CT-P) ZONE TO LIMITED INDUSTRIAL WITH PRECISE PLAN (IL-P) ZONE (FIRST READING)

## ACTION ITEMS

*The Item listed in this section of the agenda is expected to elicit discussion. If you wish to speak on the item, please fill out a "Request to Speak" form (available in the lobby) and submit it to the City Clerk prior to the meeting.*

### 9. CONSIDERATION OF PUBLIC TESTIMONY REGARDING THE FORMATION OF THE CHULA VISTA TOURISM MARKETING DISTRICT

As part of the budget reduction actions undertaken in Fiscal Years 2007-2008, City funding for the Chula Vista Convention and Visitors Bureau (CVCVB) was reduced and then eliminated. The Chula Vista Chamber of Commerce and the CVCVB, working in concert with lodging and business owners and members of the business community has prepared a plan for the formation of Chula Vista Tourism Marketing District (CVTMD) which will levy a self-assessment on motel and hotel rooms. The CVTMD will create a source of funding for renewed operation of the Convention and Visitors Bureau and for expanded promotion of tourism opportunities in the City. (Deputy City Manager/Development Services Director)

Staff recommendation: Council hear the public testimony.

## OTHER BUSINESS

### 10. CITY MANAGER'S REPORTS

### 11. MAYOR'S REPORTS

- A. Ratification of the appointment of Juan Ulloa to the Resource Conservation Commission.
- B. Consideration of proposed appointment process to fill the current vacancy on the Board of Port Commissioners for the San Diego Unified Port District.

### 12. COUNCILMEMBERS' COMMENTS

Councilmember Ramirez: Consideration and action for potential appointment of Interim Port Commissioner.

## CLOSED SESSION

*Announcements of actions taken in Closed Session shall be made available by noon on Wednesday following the Council Meeting at the City Attorney's office in accordance with the Ralph M. Brown Act (Government Code 54957.7).*

### 13. CONFERENCE WITH LEGAL COUNSEL REGARDING EXISTING LITIGATION PURSUANT TO GOVERNMENT CODE SECTION 54956.9(a):

- A. Chula Vista Citizens for Jobs and Fair Competition, et al. v. Donna Norris, et al., United States District Court, Case No. 09CV0897BEN(JMA)
- B. Sergio Lopez v. City of Chula Vista, et al., United States District Court, Case No. 07CV1272.WQH.BLM

**ADJOURNMENT** to the Regular City Council Meeting of June 2, 2009, at 4:00 p.m. in the City Council Chambers.

*Materials provided to the City Council related to any open-session item on this agenda are available for public review at the City Clerk's Office, located in City Hall at 276 Fourth Avenue, Building 100, during normal business hours.*

***In compliance with the  
AMERICANS WITH DISABILITIES ACT***

*The City of Chula Vista requests individuals who require special accommodations to access, attend, and/or participate in a City meeting, activity, or service, contact the City Clerk's Office at (619) 691-5041 at least forty-eight hours in advance of the meeting.*